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10/666,078	09/18/2003	Gary Stephens	22171.366	8983

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HAYNES AND BOONE, LLP  
901 Main Street  
Suite 3100  
Dallas, TX 75202

EXAMINER
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TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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01/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/666,078

**Applicant(s)**

STEPHENS ET AL.

**Examiner**

/BINH K. TIEU/

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 10-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Pyke et al. (Pub. No.: US 2003/0179747).

**Regarding claim 1**, Pyke et al. (“Pyke”) teaches a system for handling packet communications from three entities in a packet communications network (i.e., handling a packet communication from subject 12, first associate 20 and second associate 20' as shown in figures 7 and 8), the system comprising:

first and second ports for establishing first and second links to transfer packet communications to and from the first and second entities, respectively (paragraphs [0041] and [0055]);

first and second packet connections for interconnecting the first and second links, respectively, to an audio server (i.e., centralized replicator 22 read on audio server, see paragraph [0042]);

a third link for transferring packet communications to and from the third entity and the audio server (paragraphs [0056] and [0058]);

the audio server for manipulating the packet communications received from the first, second, and third entities and providing the manipulated packet communications to the first, second, and third entities (paragraphs [0067]-[0068]).

Regarding claims 2-3, note paragraphs [0063] and [0067].

Regarding claim 4, note paragraph [0031].

Regarding claims 5-7, note figure 1, paragraph [0030].

Regarding claims 10-11, note the centralized replicator 22 in figure 2 as an audio server, paragraph [0031].

***Regarding claim 12***, Pyke teaches a media gateway comprising:

first and second call ports for transmitting and receiving packet call information (paragraphs [0041] and [0055]);

a processor for performing instructions response to call-handling control information (paragraph [0041]); and

a memory for storing a plurality of instructions, wherein the instructions include:

instructions, upon receipt of three-way call control information, for routing packet call information from the first and second call ports to an audio server (paragraph [0051]); and

instructions for directing the audio server to combine the packet call information from the first and second call ports with call information from a third entity (paragraphs [0067]-[0068]).

Regarding claim 13, note paragraph [0058].

Regarding claim 14, note Subject Media Gateway 16 and Associate Media Gateway 18 in figure 1.

**Regarding claim 15**, Pyke teaches an anchor media gateway (i.e., LEA Media Gateway 24, shown in figure 2) comprising:

a control interface for receiving control information (i.e., Gateway 24 receives a call control message from a media gateway controller, paragraph [0034]);

first and second call ports for transmitting and receiving packet call information from first and second media gateways, respectively (paragraphs [0041] and [0055]);

a processor for performing instructions responsive to received control information (paragraph [0041]); and

a memory for storing a plurality of instructions, wherein the instructions include:

instructions for routing packet call information between the first and second call ports (paragraph [0042] and [0044]);

instructions, upon receipt of control information, for routing the packet call information to an audio server, the audio server further connected to a third media gateway for transmitting and receiving packet call information there from (paragraphs [0056] and [0058]);

instructions, upon receipt of the control information, for modifying at least a subset of the packet call information received by the audio server (paragraphs [0031] and [0043]); and

instructions, upon receipt of the control information, for routing the modified subset of the packet call information to the second media gateway (paragraphs [0032] and [0054]).

Regarding claims 16-18, note the headers in the packets are dropped or stripped off in paragraphs [0031]-[0032], [0036] and [0043].

Regarding claim 19, note the centralized replicator 22 in figures 7 and 8 as an audio server, the LEA media gateway is separated from the audio server, and second associate media gateway (third party associated gateway 18') is not connected to the LEA media gateway.

**Regarding claim 20**, Pyke teaches a method for handling a request for a three-way call in a packet communications network, the method comprising:

instructing an anchor media gateway to route voice packets between first and second ports connected to first and second media gateways, respectively (paragraph [0042] and [0044]);

instructing the anchor media gateway to route the voice packets to an audio server, upon receipt of the request for the three-way call (paragraphs [0056] and [0058]);

instructing the audio server to combine the voice packets with voice packets from a third media gateway (paragraphs [0066]-[0067]); and

instructing the anchor media gateway to route the combined voice packets to the first and second ports (paragraphs [0060]-[0062]).

Regarding claim 21, note paragraphs [0067]-[0068].

***Regarding claim 22***, Pyke teaches method for handling a request for call-waiting in a packet communications network (paragraph [0063]), the method comprising:

instructing an anchor media gateway (i.e., LEA Media Gateway 24 receives a call control message from a media gateway controller, paragraph [0034]) to route voice packets between a first port and a second port connected to a first media gateway and a second media gateway, respectively (paragraph [0042] and [0044]); and

upon receipt of the request for call-waiting, instructing the anchor media gateway to route voice packets between the first port and a third port connected to a third media gateway (paragraphs [0066]-[0067]).

Regarding claim 23, note paragraphs [0067]-[0068].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pyke et al. (Pub. No.: US 2003/0179747) in view of Hou et al. (US. Pat. #: 7,092,493).

Regarding claims 8-9, Pyke teaches all subject matters as claimed above, except for features of connecting to a circuit-switched voice network or a circuit-switched network. However, Hou et al. ("Hou") teaches similar system that has a user terminal, i.e., User B, as shown in figure 6, connected to a media gateway view a circuit-switched network such as service switching point 608.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of connecting to a circuit-switched

voice network or a circuit-switched network, as taught by Hou, into view of Pyke in order to setup of a call context for sending and receiving data streams between user telecommunication terminals.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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**/BINH K. TIEU/**

Primary Examiner  
Technology Division 2614

Date: January 2008